

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE District**

April 30, 2007

DIVISION ONE

B189108 Lin et al. (Not for Publication)
v.
John Hancock Variable Life Insurance Company

The summary judgment is reversed. The trial court is directed to vacate its order granting defendant's motion for summary judgment and to enter a new and different order, granting summary adjudication as to plaintiffs' causes of action for breach of fiduciary duty, unsuitability and both causes of action for negligence, and denying summary adjudication as to plaintiffs' causes of action for fraud, fraudulent concealment, negligent misrepresentation and constructive fraud. Plaintiffs are to recover costs on appeal.

Jackson, J. (Assigned)

We concur: Mallano, Acting P.J.
 Rothschild, J.

[illegible]

The appeal is dismissed.

Rothschild, J.

We concur: Mallano, Acting P.J.
 Vogel (Miriam A.), J.

April 30, 2007 (Continued)

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Jim Guzman,
Deputy Clerk.

Each of the following:

B191469 People v. Smith
B190797 People v. Meliksetian
B191283 Sabbagh v. Isah
B192213 Lang v. Roche
B191526 People v. Barber

Argument waived, cause submitted.

B188044 People
 v.
 Espinosa

Merits:
Argued by Kevin D. Sheehy for appellant and by Mary Sanchez for
respondent. Cause submitted.

B187981 Chatman
 v.
 YMCA of Metropolitan Los Angeles

Merits:
Argued by Valerie Chatman for appellant and by Louis Marino for
respondent. Cause submitted.

DIVISION TWO (continued)

B185655 Perpetual Eucharistic Adoration Inc.

v.

Musick, Peeler & Garrett LLP.

Merits:

Argued by Steve Schuman for appellant and by Thomas V. Reichert for respondent. Cause submitted.

B192071 Mitsubishi Power Systems Inc.

v.

Schroeder and Otten

Merits:

Argued by Charles Cole for appellant and by Jeremy Stamelman and Lawrence Jones for respondents . Cause submitted.

B188707 Carpenter

v.

Jack in the Box Corp. et al.

Merits:

Argued by Sylvia Havens for appellants and by Geraldine Mele Dart for respondent. Cause submitted.

Chavez, J. leaves bench.

B191105 Nierenhausen

(Not for Publication)

v.

The May Co.

Merits:

Argued by Ernest F. Ching for respondent and by C. Michelle Mitchell-Bromfman for appellant. Cause submitted.

Court adjourned

DIVISION SIX

B185662 People (Not for Publication)
v.
Navarro

The judgment is reversed and the matter remanded with the following directions: (1) The court shall hold a hearing to allow appellant the opportunity to request a reasonable continuance to retain private counsel or apply for the appointment of counsel upon an adequate showing of indigence; (2) if newly retained or appointed counsel determines there is a basis for making a motion to withdraw appellant's plea, the court shall consider and decide that motion; (3) if counsel does not make any motions, or any motions made are denied, the court shall reinstate the judgment and impose the sentence it imposed on August 18.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B186733 People (Not for Publication)
v.
Gonzalez

Gonzalez's upper term sentence is vacated and the matter remanded for resentencing consistent with *Cunningham v. California, supra*, 127 S.Ct. 856. The trial court is directed to prepare an amended abstract of judgment in accordance with this disposition and deliver it to the Department of Corrections. In all other respects the judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J
.Yegan J

DIVISION EIGHT

B181465 Amusement Industry, Inc., et al., (Not for Publication)

v.

Michael Antin, Individually and as Trustee, etc., et al.,

The judgment is affirmed. Sellers shall recover their costs on appeal.

Rubin, J.

We concur: Cooper, P.J.
 Boland, J.

B192605 People (Not for Publication)

v.

Baker

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
 Rubin, J.

B188821 People (Not for Publication)

v.

Michel

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
 Rubin, J.

April 30, 2007 (Continued)

DIVISION EIGHT (continued)

B190718 Gary Kuist (Not for Publication)
v.
John Bedrosian

The judgment is reversed. Kuist is entitled to recover his costs.

Boland, J.

We concur: Cooper, P.J.
Flier, J.

B183579 Lester Whalley
v.
Ira Forest et al.,

Filed order vacating submission order of January 30, 2007. Additional time is needed to complete and filed the opinion in this matter. Cause resubmitted.